

section. These records must be maintained in the following manner as long as the individual is assigned duties under the response plan:

(1) Records for operator personnel must be maintained at the operator's headquarters; and

(2) Records for personnel engaged in response, other than operator personnel, shall be maintained as determined by the operator.

(c) Nothing in this section relieves an operator from the responsibility to ensure that all response personnel are trained to meet the Occupational Safety and Health Administration (OSHA) standards for emergency response operations in 29 CFR 1910.120, including volunteers or casual laborers employed during a response who are subject to those standards pursuant to 40 CFR part 311.

§ 194.119 Submission and approval procedures.

(a) Each operator shall submit two copies of the response plan required by this part. Copies of the response plan shall be submitted to: Pipeline Response Plans Officer, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

(b) If RSPA determines that a response plan requiring approval does not meet all the requirements of this part, RSPA will notify the operator of any alleged deficiencies, and to provide the operator an opportunity to respond, including the opportunity for an informal conference, on any proposed plan revisions and an opportunity to correct any deficiencies.

(c) An operator who disagrees with the RSPA determination that a plan contains alleged deficiencies may petition RSPA for reconsideration within 30 days from the date of receipt of RSPA's notice. After considering all relevant material presented in writing or at an informal conference, RSPA will notify the operator of its final decision. The operator must comply with the final decision within 30 days of issuance unless RSPA allows additional time.

(d) For those response zones of pipelines, described in § 194.103(c), that could reasonably be expected to cause

significant and substantial harm, RSPA will approve the response plan if RSPA determines that the response plan meets all requirements of this part, and the OSC raises no objection.

(e) If RSPA has not approved a response plan for a pipeline described in § 194.103(c), the operator may submit a certification to RSPA by July 18, 1993, that the operator has obtained, through contract or other approved means, the necessary private personnel and equipment to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge. The certificate must be signed by the qualified individual or an appropriate corporate officer.

(f) If RSPA receives a request from an OSC to review a response plan, RSPA may require an operator to provide a copy of the response plan to the OSC. If an OSC recommends that an operator not previously required to submit a plan to RSPA, should submit one, RSPA will require the operator to prepare and submit a response plan and send a copy to the OSC.

§ 194.121 Response plan review and update procedures.

(a) Each operator shall review its response plan at least every 5 years from the date of submission and modify the plan to address new or different operating conditions or information included in the plan.

(b) If a new or different operating condition or information would substantially affect the implementation of a response plan, the operator must immediately modify its response plan to address such a change and, within 30 days of making such a change, submit the change to RSPA. Examples of changes in operating conditions that would cause a significant change to an operator's response plan are:

(1) An extension of the existing pipeline or construction of a new pipeline in a response zone not covered by the previously approved plan;

(2) Relocation or replacement of the pipeline in a way that substantially affects the information included in the response plan, such as a change to the worst case discharge volume;

(3) The type of oil transported, if the type affects the required response resources, such as a change from crude oil to gasoline;

(4) The name of the oil spill removal organization;

(5) Emergency response procedures;

(6) The qualified individual;

(7) A change in the NCP or an ACP that has significant impact on the equipment appropriate for response activities; and

(8) Any other information relating to circumstances that may affect full implementation of the plan.

(c) If RSPA determines that a change to a response plan does not meet the requirements of this part, RSPA will notify the operator of any alleged deficiencies, and provide the operator an opportunity to respond, including an opportunity for an informal conference, to any proposed plan revisions and an opportunity to correct any deficiencies.

(d) An operator who disagrees with a determination that proposed revisions to a plan are deficient may petition RSPA for reconsideration, within 30 days from the date of receipt of RSPA's notice. After considering all relevant material presented in writing or at the conference, RSPA will notify the operator of its final decision. The operator must comply with the final decision within 30 days of issuance unless RSPA allows additional time.

[58 FR 253, Jan. 5, 1993, as amended by Amdt. 194-1, 62 FR 67293, Dec. 24, 1997]

APPENDIX A TO PART 194—GUIDELINES FOR THE PREPARATION OF RESPONSE PLANS

This appendix provides a recommended form for the preparation and submission of response plans required by 49 CFR part 194. Operators may use other forms provided the form chosen provides the information required by 49 CFR part 194.

Response Plan: Section 1. Information Summary

Section 1 would include the following:

(a) For the core plan:

(1) The name and address of the operator; and

(2) For each response zone which contains one or more line sections that meet the criteria for determining significant and substantial harm as described in §194.103, a list-

ing and description of the response zones, including county(s) and state(s).

(b) For each response zone appendix:

(1) The information summary for the core plan;

(2) The name and telephone number of the qualified individual, available on a 24-hour basis;

(3) A description of the response zone, including county(s) and state(s) in which a worst case discharge could cause substantial harm to the environment;

(4) A list of line sections contained in the response zone, identified by milepost or survey station number or other operator designation.

(5) The basis for the operator's determination of significant and substantial harm; and

(6) The type of oil and volume of the worst case discharge.

(c) The certification that the operator has obtained, through contract or other approved means, the necessary private personnel and equipment to respond, to the maximum extent practicable, to a worst case discharge or a substantial threat of such a discharge.

Response Plan: Section 2. Notification Procedures

Section 2 would include the following:

(a) Notification requirements that apply in each area of operation of pipelines covered by the plan, including applicable State or local requirements;

(b) A checklist of notifications the operator or qualified individual is required to make under the response plan, listed in the order of priority;

(c) Names of persons (individuals or organizations) to be notified of a discharge, indicating whether notification is to be performed by operating personnel or other personnel;

(d) Procedures for notifying qualified individuals;

(e) The primary and secondary communication methods by which notifications can be made; and

(f) The information to be provided in the initial and each follow-up notification, including the following:

(1) Name of pipeline;

(2) Time of discharge;

(3) Location of discharge;

(4) Name of oil involved;

(5) Reason for discharge (e.g., material failure, excavation damage, corrosion);

(6) Estimated volume of oil discharged;

(7) Weather conditions on scene; and

(8) Actions taken or planned by persons on scene.

Response Plan: Section 3. Spill Detection and On-Scene Spill Mitigation Procedures

Section 3 would include the following: